

Figure SC850.F13. Hearing Official's Decision

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY
JOB SERVICE AND REEMPLOYMENT INSURANCE DIVISION
390 North Robert Street, St. Paul, Minnesota 55101

APPEAL NO. 8826 UC 95 NOTICE OF FINDINGS OF FACT AND DECISION

In the Matter of the Claim of

Claimant:

Jane Doe
SO 8TH ST APT 16
MURPHYSBORO IL 62966

Social Security Account No. 111-11-1111
Claim Date (AO 17) 9-03-1995
Determination Date 10-13-1995
Appeal Date 10-19-1995
Appellant Claimant

Employer:

Employer Account No. 9900085422

ARMY APPROPRIATED FUNDS-USAFAC

Decision filed and mailed: **NOV 14 1995**

NOTICE OF DECISION AND RIGHT OF APPEAL

The following decision affirms the determination under appeal. IT WILL BE FINAL UNLESS YOU APPEAL IN WRITING WITHIN 30 DAYS FROM THE DATE ABOVE THAT SHOWS WHEN THE DECISION WAS FILED AND MAILED. You may appeal in person at an office of the Department of Economic Security. You may also appeal by mail sent to: Minnesota Department of Economic Security, Commissioner Appeal, PO Box 1691, St. Paul, MN 55101. The filing date is the day you appeal in person or the postmark date of the Postal Service. BE SURE TO PUT THE APPEAL NUMBER ON ANY LETTERS ABOUT THIS DECISION.

The appeal of the claimant was scheduled for hearing on November 7, 1995 by telephone. The claimant did not answer at the telephone number listed for her. The claimant did not provide any other number where she could be reached. There was no participation by the employer. This decision is issued based on a review of the file.

ISSUE(S): Whether the claimant quit this job with good cause attributable to the employer.

FINDINGS OF FACT: (1) The claimant worked for the above-named employer from March 22, 1993 through September 2, 1995. The claimant worked as an office automation clerk. She was paid a final wage rate of \$7.35 per hour for full-time employment.

(2) Effective September 2, 1995 the claimant voluntarily separated from her employment in order to relocate from Minnesota to Illinois.

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(3) The claimant found her living arrangement in Minnesota stressful. The claimant could not afford to live in Minnesota by herself. Therefore, she relocated to Illinois where she could live with a friend.

(4) On October 13, 1995 the department determined that the claimant voluntarily separated from her employment without good cause attributable to the employer, and she was disqualified from receiving benefits. On October 19, 1995 the claimant appealed the determination.

REASONS FOR DECISION: The Minnesota economic security law at Section 268.09, Subdivision 1, in part provides that:

"An individual separated from any employment under paragraph (a), . . . shall be disqualified for waiting week credit and benefits. For separations under paragraphs (a) . . . the disqualification shall continue until four calendar weeks have elapsed following the individual's separation and the individual has earned eight times the individual's weekly benefit amount in insured work.

(a) The individual voluntarily and without good cause attributable to the employer discontinued employment with such employer. . . ."

A claimant who has voluntarily left work must show that the separation was for good cause attributable to the employer. If this is not done, that claimant will be disqualified. "Good cause attributable to the employer" is found when the employer violated the employment relationship in a substantial way, or otherwise treated the claimant unreasonably.

The record does not show that the employer treated the claimant wrongly, or unreasonably. There is no proof that the employer failed in any duty it owed to the claimant. The claimant has not shown good cause attributable to the employer for the voluntary separation from work.

The claimant may have shown good personal cause for leaving this employment. However, the statute provides for the payment of reemployment insurance only if there is good cause "attributable to the employer." In the present case, the claimant's reasons for leaving employment were not attributable to the employer.

DECISION: On September 2, 1995 the claimant quit this job without good cause attributable to the employer. The claimant is disqualified until (1) the claimant has earned eight times the weekly benefit amount in insured work; and (2) four calendar weeks have gone by after the separation. Benefits paid, if any, to the claimant shall be reimbursed to the fund. Title V, Chapter 85, Section 8505 of the U.S. Code requires Federal reimbursement for benefits paid based on Federal wages.

Richard Mandell
Reemployment Insurance Judge

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Please Note: All questions regarding benefit payments should be directed to the office servicing your claim.